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Paper No. 15

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INTELLECTUAL PROPERTY DEPARTMENT
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OFFICE OF PETITIONS

In re Application of
Elizabeth A. Smith, et al.
Application No. 08/990,973
Filed: December 15, 1997
Attorney Docket No. 01263.59651

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 31, 2003, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 8, 2002, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 9, 2002.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the request for extension of time submitted with the petition on March 31, 2003 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account no. 19-0761.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 306-5594.

The application file is being forwarded to Technology Center 2600, Art Unit 2611 for further processing.

Retta Williams

Retta Williams
Petitions Examiner
Office of Petitions
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for Patent Examination Policy